

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JOHN WILEY & SONS, INC., CENGAGE  
LEARNING, INC., and PEARSON  
EDUCATION, INC.,

Plaintiffs,

v.

BOOK DOG BOOKS, LLC and PHILIP  
SMYRES,

Defendants.

No. 1:13-cv-816 (WHP)(GWG)

**NOTICE OF APPEAL**

CENGAGE LEARNING, INC.,  
MCGRAW-HILL GLOBAL EDUCATION  
HOLDINGS LLC, and PEARSON  
EDUCATION, INC.,

Plaintiffs,

v.

BOOK DOG BOOKS, LLC d/b/a  
TEXTBOOKRUSH and  
TEXTBOOKSRUS, APEX MEDIA, LLC,  
and ROBERT WILLIAM  
MANAGEMENT, LLC,

Defendants.

No. 1:16-cv-7123 (WHP)(GWG)

**NOTICE OF APPEAL**

Notice is hereby given that Non-Parties 1401 West Goodale, LLC, 999 Kinnear, LLC, Academico CentroAmericano, S.A., Anaid Holdings, LLC, Apex Commerce, Inc., Apex Commerce, LLC, Book Dog Books, LLC (FL), Bookeagle.com, LLC, Books for Coco, LLC, Bookstores.com, LLC, Cal Text Books, Inc., GEKR Holdings, LLC, K12 Book Services, Inc. (f/k/a/ K12 Book Source, Inc.), Mandolin Imports, LLC, Oliveford Limited, Robert William Holdings, LLC, Robert William Intermediate Holdings Doppelganger, LLC, Robert William

Intermediate Holdings, LLC, RW Europe, Inc., SPL Management, LLC, and SRockPaper Imports, Inc. (together, the “Non-Party Appellants”), in the above-captioned actions, which were consolidated for trial before the district court, hereby appeal to the United States Court of Appeals for the Second Circuit from the Final Judgment and Permanent Injunction dated August 17, 2018 in Case No. 13-cv-816, ECF No. 449, and the Final Judgment and Permanent Injunction dated August 17, 2018 in Case No. 16-cv-7123, ECF No. 487.

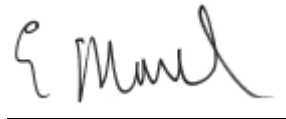
Non-Party Appellants are bound by the judgments and permanent injunctions issued by the district court in the above-captioned actions. They accordingly have standing to appeal. *See NML Capital, Ltd. v. Republic of Argentina*, 727 F.3d 230, 239-40 (2d Cir. 2013) (non-parties have “appellate standing . . . where the non-party is bound by the judgment,” even if non-party did not intervene before district court) (citing *Official Comm. of Unsecured Creditors of WorldCom, Inc. v. SEC*, 467 F.3d 73, 77-78 (2d Cir. 2006)).

Non-Party Appellants also hereby appeal from any and all orders, rulings, and other decisions of any kind and in both actions that were adverse to them or by which they are bound, whether or not subsumed within the August 17, 2018 Final Judgments.

Dated: September 13, 2018

**MANDEL BHANDARI LLP**

By:

A handwritten signature in dark ink, appearing to read "E Mandel", is written over a horizontal line.

Evan Mandel

Attorney for Non-Party Appellants